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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,442	09/30/2003	Diane Simona Bettina Schmidt	11884/406301	2618
53/000	7590	01/06/2009	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. WASHINGTON, DC 20005			SHAIKH, MOHAMMAD Z	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/673,442	<b>Applicant(s)</b> SCHMIDT, DIANE SIMONA BETTINA
	<b>Examiner</b> MOHAMMAD Z. SHAIKH	<b>Art Unit</b> 3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 October 2008.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 and 8-27 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6, 8-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. This action is made **Non-Final** because examiner is making a new ground of rejection not necessitated by Applicant's amendment.

#### **Status of Claims**

2. Claims 1-6, 8-27 are pending in this application.
3. Claim 7 has been cancelled.

#### ***Claim Rejections- 35 U.S.C § 103***

4. Claims 1-6, 8-27 are rejected under 35 U.S.C 103(a) as being unpatentable over US 2003/0225692 to Bosch et al, herein Bosch in view of U.S Patent 6,038,550 to Rosenwald in view of US 2003/0120566 to Lipshutz, herein referred to as Lipshutz and further in view of U.S 2001/0056391 to Schultz.

Regarding claim 1, Bosch discloses a method for managing intra-day interest calculations for a bank account, comprising: (a) in response to fluctuations in an account balance of the bank account, setting, by an intra-day interest account management system, balance determination times for the account, the balance determination times corresponding to a plurality of points in time within the span of a single day at which respective net account balances are to be used in an interest calculation for the account; (b) determining the balances for the account for the balance determination times ([0075]). However Bosch does not disclose c) determining applicable conditions for the interest calculation, the conditions relating to an interest rate to be applied based on at least two of a time of day, a calendar day, a variable reference interest rate, an option expiration day, a public holiday in a particular country,

a determination whether the net account balance of the bank account is a credit balance, a determination whether the net account balance of the bank account is a debit balance, and a determination whether the bank account has been overdrafted; (d) providing the account balances and applicable conditions to interest calculation logic; and (e) recording a result of operations by the interest calculation logic. Rosenwald discloses (c) determining applicable conditions for the interest calculation, the conditions relating to an interest rate to be applied based on at least two of a time of day (column 2, lines 5-8), a calendar day (column 6, lines 1-3), a variable reference interest rate (column 7, lines 6-13), a public holiday in a particular country (column 6, line 1), a determination whether the net account balance of the bank account is a credit balance (column 8, lines 28-36). (d) providing the account balances and applicable conditions to interest calculation logic; and (e) recording a result of operations by the interest calculation logic (column 2, lines 8-13). However, Bosch does not disclose an option expiration day, a determination whether the net account balance of the bank account is a debit balance, and a determination whether the bank account has been overdrafted. Schultz discloses an option expiration day (paragraph 0049). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bosch's invention to include an option expiration day. One of ordinary skill in the art would have been motivated to include an option expiration day in order to ensure that all interest income is included in the calculation. Lipschutz discloses a determination whether the net account balance of the bank

account is a debit balance, and a determination whether the bank account has been overdrafted (paragraph 0013). Therefore it would have been obvious to one of ordinary skill in the art to modify Bosch's invention to include a feature to determine whether the net account balance of the bank account is a debit balance, and a determination whether the bank account has been overdrafted. One of ordinary skill in the art would have been motivated to include a feature to determine whether the net account balance of the bank account is a debit balance and a determination whether the bank account has been over drafted in order to ensure that the bank is protected against users accessing funds that they do not have.

Regarding claim 2, Bosch discloses the method of claim 1. Bosch further discloses wherein the balance determination times define intervals of arbitrary length ([0075]).

Claims 3-6, 8 are being rejected using the same criteria as claim 2.I

Regarding claim 9, Bosch discloses a method for managing intra-day interest calculations for a bank account, comprising: (a) receiving a designation of a bank account to receive intra-day interest calculation ([0011]); (b) receiving transaction information for the account, the transaction information including a value time specifying when a transaction is to be taken into account for interest calculation ([0011]); (c) receiving a specification of a plurality of points in time for determining corresponding account balances for use in calculating an interest on the bank account, wherein the points of time correspond to a plurality of times within a single day and are determined

by an intra-day interest account management system in response to fluctuations in an account balance of the bank account; (d) for each of the points in time, determining a corresponding account balance, the account balance at a given point in time at least partly depending on the value time ([0075]). However Bosch does not disclose e) for each of the points in time, determining an applicable interest rate based on an assigned condition, wherein the assigned condition includes at least two of a time of day, a calendar day, a variable reference interest rate, option expiration day, public holiday in a particular country, a determination whether the net account balance of the bank account is a credit balance, a determination whether the net account balance of the bank account is a debit balance, and a determination whether the bank account has been overdrafted; (f) providing the account balances and the applicable interest rates to interest calculation logic; and (g) generating a record of interest amounts calculated by the interest calculation logic. Rosenwald discloses (e) For each of the points in time, determining an applicable interest rate based on an assigned condition, wherein the conditions relating to an interest rate to be applied based on at least two of a time of day (column 2, lines 5-8), a calendar day ( column 6, lines 1-3), a variable reference interest rate (column 7, lines 6-13), a public holiday in a particular country (column 6, line 1), a determination whether the net account balance of the bank account is a credit balance (column 8, lines 28-36). (f) providing the account balances and applicable conditions to interest calculation logic; and (g) generating a record of interest amounts calculated by the interest calculation logic (Fig 5). However, Bosch does not disclose an option expiration day, a determination whether the net account balance of the bank account is

a debit balance, and a determination whether the bank account has been over drafted. Schultz discloses an option expiration day (paragraph 0049). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bosch's invention to include an option expiration day. One of ordinary skill in the art would have been motivated to include an option expiration day in order to ensure that all interest income is included in the calculation. Lipschutz discloses a determination whether the net account balance of the bank account is a debit balance, and a determination whether the bank account has been over drafted (paragraph 0013). Therefore it would have been obvious to one of ordinary skill in the art to modify Bosch's invention to include a feature to determine whether the net account balance of the bank account is a debit balance and a determination whether the bank account has been over drafted. One of ordinary skill in the art would have been motivated to include a feature to determine whether the net account balance of the bank account is a debit balance and a determination whether the bank account has been over drafted in order to ensure that the bank is protected against users accessing funds that they do not have. (f) providing the account balances and the applicable interest rates to interest calculation logic; and (g) generating a record of interest amounts calculated by the interest calculation logic (Fig 5).

Claim 10 is being rejected using the same rationale as claim 2.

Regarding claim 11, Bosch teaches the method of claim 9. However Bosch does not specifically disclose an interest calendar that classifies days according to differing interest day types, each type having an interest rate associated

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herewith. Lipschutz teaches an interest calendar that classifies days according to differing interest day types, each type having an interest rate associated herewith (Fig 4; paragraph 0072). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bosch's invention to include an interest calendar that classifies days according to differing interest day types, each type having an interest rate associated herewith. One of ordinary skill in the art would have been motivated to include an interest calendar that classifies days according to differing interest day types, each type having an interest rate associated herewith in order to ensure that the user can view the interest they are earning in a format that is easy to comprehend.

Claim 12 is being rejected using the same limitations as claim 1.

As per claim 13, Bosch teaches the system of claim 12 and an intra-day interest account ([0075]). However Bosch does not disclose the interest account management software configured to implement a user interface providing for entry of the information. Lipschutz does disclose the account management software is configured to implement a user interface providing for entry of the information (page 15: "At least one user interface ....

at least one user; claim 1 ; claim 11 ). Therefore it would have been to one of ordinary skill in the art at the time of the invention to modify Bosch's invention to include the account management software configured to implement a user interface providing for entry of the information. One of ordinary skill in the art would have been motivated to include account management software configured to implement a user interface

providing for entry of the information in order to ensure that the user can view the interest they are earning in a format that is easy to comprehend.

Regarding claim 14, Bosch teaches the system of claim 12 and the intra-day interest account ([0075). However Bosch does not disclose the intra-day interest account management software comprises an interest calendar, the interest calendar classifying days according to differing interest day types, each type having an interest rate associated therewith. Lipschutz does teach the intra-day interest account management software comprises an interest calendar, the interest calendar classifying days according to differing interest day types, each type having an interest rate associated therewith (claim 1, claim 10; Fig 8; claim 11). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bosch's invention to include the intra-day interest account management software comprises an interest calendar, the interest calendar classifying days according to differing interest day types, each type having an interest rate associated therewith. One of ordinary skill would have been motivated to include the intra-day interest account management software comprises an interest calendar, the interest calendar classifying days according to differing interest day types, each type having an interest rate associated therewith in order to ensure that the user can view the interest they are earning in a format that is easy to comprehend.

Claims 16-17 are being rejected using the same rationale as claim 2.

Claim 18 is being rejected using the same rationale as claim 1.

Claim 19 is being rejected using the same rationale as claim 2.

Claim 20 is being rejected using the same rationale as claim 9.

Claims 21-26 are being rejected using the same rationale as claim 2.

Claim 27 is being rejected using the same rationale as claim 1.

***Response to Remarks***

Applicant's arguments filed on 10/24/08 with respect to the rejections of claims 1-6, 8-27 under 35 U.S.C § 103(a) have been fully considered and are persuasive. Therefore the rejections have been withdrawn. However upon further consideration a new ground of rejection is made in view of US 2003/0225692 to Bosch et al, herein Bosch in view of U.S Patent 6,038,550 to Rosenwald in view of US 2003/0120566 to Lipshutz, herein referred to as Lipshutz and further in view of U.S 2001/0056391 to Schultz.

## **CONCLUSION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD Z. SHAIKH whose telephone number is (571)270-3444. The examiner can normally be reached on Monday-Friday (7:30-5); alt Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Z. S./  
Examiner, Art Unit 3696  
1/3/2009

Mohammad Z Shaikh  
Examiner  
Art Unit 3696

/Daniel S Felten/  
Primary Examiner, Art Unit 3696